GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Forest Department – Sanction of Prosecution Orders under the Prevention of Corruption Act, 1988 against Sri Shaik Gani Basha, Divisional Manager, Andhra Pradesh Forest Development Corporation Ltd, Nellore Division, SPSR Nellore District – Trapped on 21-08-2013 – Sanction of Prosecution - Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.IV) DEPARTMENT

G.O.Ms.No:49 **Dated:19-06-2015.**

ORDER:-

1. WHEREAS, Sri Shaik Gani Basha, worked as Divisional Manager, Andhra Pradesh Forest Development Corporation Limited, Sri Potti Sri Ramulu Nellore District from 06-5-2011 to 23-08-2013 and by virtue of the post held by him, he falls under the category of Public Servant as defined under clause (c) of Section 2 of the Prevention of Corruption Act, 1988.

2. AND WHEREAS, Sri. Mannaepalli Nagaraju, S/o. Subrahmanyam, Aged: 53 years, Contractor, Kovvurupalli Village, Bogole Mandal, Sri Potti Sri Ramulu Nellore District is working as contractor in Andhra Pradesh Forest Development Corporation Limited, Pinakini Vana Vihar, Forest Complex which is opposite to Nippo Factory at Nellore for the last 18 years. Previously he got work orders for contract works like Fire wood, ploughing and cutting of bushes from the Divisional Manager and the bills also collected. On 14-06-2013 he participated in tenders for ploughing in Dagadarthi plantations i.e. 45 Hectares in Package No.I, 76.80 Hectares in Package. No. II and 135 Hectares in package NO. VII and got the works orders. While raining in the month of July, the officials of Forest Department instructed him to plough the lands. At that time, there was no agreement. He agreed for ploughing with the rate fixed by the department and put signatures before the Ranger. He completed the ploughing in 48 Hectares in Package. No.I and 76.80 Hectares in Package No.II on 02-08-2013, the Divisional Manager Sri. Shaik Gani Basha entered into an agreement with him at Rs. 1,750/- per Hectares for the above work and work order also given to him. As this works were started earlier and the works were completed before 04-08-2013. For the total extent of 124.80 Hectares works were executed for an amount of Rs.2,18,400/- and it has to be received by him. With regard to package No.VII for ploughing to a tune of Rs.2,16,000/- i.e Rs.1600/- per Hectares to be received by him. In total, an amount of Rs.4,34,400/- is pending payable to him. One week prior to 20-08-2013, when he asked the Divisional Manager about the payment of the bills, the Divisional Manager demanded Rs. 1 lakh to complete the bills. He did not agree to that and came back. On 19.08.2013, he once again met the said Divisional Manager Sri Shaik Gani Basha and asked about the bills. The Divisional Manager enquired once again about bribe amount. He expressed his inability to pay such amount. Then, the Divisional Manager demanded him to pay minimum Rs. 50,000/- so that he would complete that work. As there was no other option, he accepted to that and he informed that he would come and meet him within two days by adjusting the amount. Actually he was not interested in paying the bribe amount to Divisional Manager. He submitted a report to the DSP, ACB, Nellore Range, Nellore and requested to take necessary action against the Divisional Manager, APFDC Ltd., Nellore Division, who demanded bribe amount of Rs. 50,000/- for payment of bills and do him justice.

3. AND WHEREAS, it is alleged that after following due procedure, the DSP ACB, Nellore registered the said report as case in Cr.No.20/RCT-NLR/2013 under section 7 of the Prevention of Corruption Act, 1988 on 21-08-2013 at 09-00 AM and took up investigation.

P.T.O.

4. AND WHEREAS, it is alleged that after completion of pre trap proceedings, the trap party led by the DSP, ACB along with Sri Mannaepalli Nagaraju left the ACB office at 11.45 hours and reached the vicinity of opposite to Nippo Factory main gate at 11.55 hours and took vantage positions. Sri Mannaepalli Nagaraju met Sri Shaik Gani Basha, Divisional Manager, Andhra Pradesh Forest Development Corporation Limited, Sri Potti Sriramulu Nellore District in his office room and requested him to issue a cheque. On that, Sri Shaik Gani Basha further demanded and accepted Rs.50,000/- as bribe with his right hand and kept the same in his right side table drawer. At about 12.20 hours, Sri Mannaepalli Nagaraju gave pre arranged signal and immediately the trap party entered the office room of Sri Shaik Gani Basha and found one person sitting on a chair. The DSP disclosed his identity and ascertained the identity of the said person as Sri Shaik Gani Basha. The DSP organized the chemical test on the both hand fingers of Sri Shaik Gani Basha and the right hand fingers yielded positive result. On questioning about the bribe amount, Sri Shaik Gani Basha produced a wad of currency notes from his right side table drawer. The mediators counted and compared the numbers and denominations of the currency notes already noted in the Pre-trap proceedings and found them tallied. The DSP also subjected the upper portion of the folded papers with the help of cotton swab and rinsed the swab and it also yielded positive result in chemical test. The DSP seized the tainted currency notes of Rs. 50,000/- along with the folded papers and 2 sealed bottles containing the chemical washes and also the relevant records.

5. AND WHEREAS, the acts of Sri S. Ghani Basha, Divisional Manager, Andhra Pradesh Forest Development Corporation Limited, Sri Potti Sriramulu Nellore District constitute the offences punishable under sections 7, 13(2) r/w section 13(1)(d) of the Prevention of Corruption Act, 1988.(Central Act 49 of 1988).

6. AND WHEREAS, the Government of Andhra Pradesh, being the competent authority to remove Sri Shaik Ghani Basha, Divisional Manager, Andhra Pradesh Forest Development Corporation Limited, Sri Potti Sriramulu Nellore District from Government service, after fully and carefully examining the materials viz, copy of FIR, copies of Statements of Witnesses, copies of documents and Mediator Reports and other material placed before them, in regard to the said allegations and circumstances of the case consider that Sri Shaik Ghani Basha, Divisional Manager, Andhra Pradesh Forest Development Corporation Limited, Sri Potti Sriramulu Nellore District should be prosecuted in a court of law for the afore said offences.

7. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988, (Central Act 49 of 1988), the Government of Andhra Pradesh hereby accord sanction for the prosecution of Sri Shaik Ghani Basha, Divisional Manager, Andhra Pradesh Forest Development Corporation Limited, Sri Potti Sriramulu Nellore District for the afore said offences punishable under section 7 and sub- section (2) of section 13, read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 and for any other cognate offences punishable and for any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASHWINI KUMAR PARIDA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General, Anti-corruption Bureau, Andhra Pradesh,
Hyderabad.
Copy to:
The Law (G) Department.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER